

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION, :	:
	:
Plaintiff, :	:
	:
vs. :	:
	:
	13 Civ. 4645 (JPO) (RLE)
	:
	STIPULATION AND
DHIA JAFAR a/k/a DHIA JAFFAR and :	ORDER
OMAR NABULSI, :	
	:
Defendants. :	
-----X	

WHEREAS, on July 3, 2013, Plaintiff Securities and Exchange Commission (the “SEC”) filed this insider trading action against one or more unknown traders in the securities of Onyx Pharmaceuticals, Inc. (“Onyx”);

WHEREAS, on July 10, 2013, this Court entered an Order Freezing Assets and Granting Other Relief (the “July 10 Order”), which effectively freezes “any assets related to the allegations in the Complaint,” including but not limited to “all assets related to the purchase of . . . Onyx Pharmaceutical, Inc. [sic] options on June 26, 2013 and June 28, 2013, in an account held at Citigroup Global Markets, Inc. and/or its affiliates under the name FFA Private Bank SAL, account number 62301460, including the gross proceeds of any sales of the Onyx options and any unsold shares of the Onyx options traceable to those purchases” (*see* Docket Entry No. 4, July 10, 2013 Order, at 2);

WHEREAS, pursuant to the July 10 Order, Citigroup Global Markets, Inc. (“Citigroup”) segregated and froze \$2,636,892.56 out of FFA Private Bank SAL (“FFA”) account number ending in 1460 (the “Citigroup Account”);

WHEREAS, on July 11, 2013, Dhia Jafar and Omar Nabulsi (collectively, “Defendants”) identified themselves, through counsel, as having entered certain trades at issue in the Complaint;

WHEREAS, on January 23, 2014, the Court entered an Order that the amount of proceeds to be frozen by Citigroup was \$2,551,226, and further ordering that those proceeds would continue to be held in two separate accounts: (1) account number ending in 0360 under the name Dhia Yahya Dhia Al-Din Jaffar, and (2) account number ending in 0361 under the name Omar Abbas Wajih Nabulsi; and

WHEREAS, the SEC now seeks to dismiss this action without prejudice pursuant to Fed. R. Civ. P. 41(a) and Defendants do not object to such dismissal without prejudice; and

WHEREAS, the parties agree that the Defendants’ funds that are subject to the asset freeze and held at Citigroup should therefore be released.

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel that:

1. This action should be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(a); and
2. The July 10 Order should be vacated; and
3. The funds held in Citigroup accounts ending in 0360 and 0361 should be released to Mr. Jafar and Mr. Nabulsi, respectively, as soon as practicable upon entry of this Order.

IT IS FURTHER STIPULATED that facsimile signatures shall be deemed original signatures for purposes of this Stipulation.

Dated: September 15, 2015

/s/ John B. Bulgozdy

John W. Berry

John B. Bulgozdy (admitted *pro hac vice*)

Donald W. Searles

*Attorneys for Plaintiff Securities and Exchange
Commission*

Dated: September 15, 2015

/s/ Patrick J. Smith

Patrick J. Smith

Jeffrey D. Rotenberg

Miles D. Norton

DLA Piper LLP (US)

Attorneys for Defendants Dhia Jafar and Omar Nabulsi

IT IS SO ORDERED.

Dated: September __, 2015

HON. J. PAUL OETKEN
U.S. DISTRICT JUDGE

PROOF OF SERVICE

I am over the age of 18 years and not a party to this action. My business address is:

[X] U.S. SECURITIES AND EXCHANGE COMMISSION, 444 S. Flower Street, Suite 900,
Los Angeles, CA 90071.

Telephone No. (323) 965-3998; Facsimile No. (213) 443-1904.

On September 15, 2015, I caused to be served the document entitled **Stipulation and Order** on all the parties to this action addressed as stated on the attached service list:

- [] **OFFICE MAIL:** By placing in sealed envelope(s), which I placed for collection and mailing today following ordinary business practices. I am readily familiar with this agency's practice for collection and processing of correspondence for mailing; such correspondence would be deposited with the U.S. Postal Service on the same day in the ordinary course of business.
- [] **PERSONAL DEPOSIT IN MAIL:** By placing in sealed envelope(s), which I personally deposited with the U.S. Postal Service. Each such envelope was deposited with the U.S. Postal Service at Los Angeles, California, with first class postage thereon fully prepaid.
- [] **EXPRESS U.S. MAIL:** Each such envelope was deposited in a facility regularly maintained at the U.S. Postal Service for receipt of Express Mail at Los Angeles, California, with Express Mail postage paid.
- [] **HAND DELIVERY:** I caused to be hand delivered each such envelope to the office of the addressee as stated on the attached service list.
- [] **UNITED PARCEL SERVICE:** By placing in sealed envelope(s) designated by United Parcel Service ("UPS") with delivery fees paid or provided for, which I deposited in a facility regularly maintained by UPS or delivered to a UPS courier, at Los Angeles, California.
- [X] **ELECTRONIC MAIL:** By transmitting the document by electronic mail to the electronic mail address as stated on the attached service list.
- [X] **E-FILING:** By causing the document to be electronically filed via the Court's CM/ECF system, which effects electronic service on counsel who are registered with the CM/ECF system.
- [] **FAX:** By transmitting the document by facsimile transmission. The transmission was reported as complete and without error.

I declare under penalty of perjury that the foregoing is true and correct.

Date: September 15, 2015

/s/ John B. Bulgozdy
John B. Bulgozdy

SEC v. Dhia Jafar a/k/a Dhia Jaffar and Omar Nabulsi
United States District Court – Southern District of New York
Case No. 1:13-cv-04645-JPO (RLE)

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